

AUSA: Timothy Ly

UNITED STATES OF AMERICA

v.

JAVONE CROMWELL,

Defendant.

COMPLAINT

23 Mag. 7235

Violations of 18 U.S.C. §§ 1704, 1708,
and 2

COUNTY OF OFFENSE:
WESTCHESTER

SOUTHERN DISTRICT OF NEW YORK, ss.:

EDWARD GANNON, being duly sworn, deposes and says that he is a United States Postal Inspector with the United States Postal Inspection Service ("USPIS"), and charges as follows:

COUNT ONE
(Use of Stolen Postal Key)

1. On or about November 15, 2023, in the Southern District of New York and elsewhere, JAVONE CROMWELL, the defendant, knowingly and unlawfully possessed a key suited to a lock adopted by the Post Office Department and the Postal Service and in use on the mails and bags thereof, and a key to a lock box, lock drawer, and other authorized receptacle for the deposit and delivery of mail matter, with the intent unlawfully and improperly to use, sell, and otherwise dispose of the same, and to cause the same to be unlawfully and improperly used, sold, and otherwise disposed of, to wit, CROMWELL used a stolen mail box key to steal mail from the United States Postal Service.

(Title 18, United States Code, Section 1704.)

COUNT TWO
(Theft and Receipt of Stolen Mail)

2. From in or about October 2022 to November 2023, in the Southern District of New York and elsewhere, JAVONE CROMWELL, the defendant, knowingly stole, took, and abstracted, and by fraud and deception obtained, and attempted so to obtain, from and out of the mail, a post office, and a station thereof, a letter box, a mail receptacle, and a mail route and other authorized depository for mail matter, and from a letter and mail carrier, a letter, postal card, package, bag, and mail, and abstracted and removed from such letter, package, bag, and mail, an article and thing contained therein, and secreted, embezzled, and destroyed such letter, postal card, package, bag, and mail, and an article and thing contained therein, and stole, took, and abstracted, and by fraud and deception obtained a letter, postal card, package, bag, and mail, and an article and thing contained therein which had been left for collection upon and adjacent to a collection box and other authorized depository of mail matter, and bought, received, and concealed, and

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unlawfully had in his/her possession, a letter, postal card, package, bag, and mail, and an article and thing contained therein, which had been so stolen, taken, embezzled, and abstracted, knowing the same to have been stolen, taken, embezzled, and abstracted, to wit, CROMWELL stole mail out of United States mail boxes in Yonkers, New York.

(Title 18, United States Code, Sections 1708 and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a Postal Inspector with the USPS and I have been involved in the investigation of this matter. My duties and responsibilities include the investigation of mail theft, among other crimes. I base this affidavit on that personal experience, as well as on my conversations with other law enforcement agents and witnesses, and my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. I have not attempted to set forth the complete factual history of this investigation or all of its details. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. In making this Affidavit, I rely only on the facts stated herein.

4. Throughout this this Affidavit, where I assert that a statement was made, I was not the individual to whom the statement was made unless I specifically so state. Rather, information about the statement was provided by someone else to whom I have spoken or whose reports I have read and reviewed. Such statements are among many statements made by others and they are set forth in substance and in part, unless otherwise indicated. Similarly, unless otherwise indicated, information in this Affidavit resulting from surveillance does not necessarily set forth my personal observations, but may have been provided to me by other law enforcement agents who observed the events, and to whom I have spoken or whose reports I have read.

5. Since on or about October 25, 2022, the USPS has been investigating the theft of Postal Service keys and mail from Postal service boxes in and around Yonkers, New York.¹

The October 25, 2022 Robbery

6. Based on my review of an interview memorandum and reports, and my discussions with law enforcement, I learned that on or about October 25, 2022, at or about 2:47 p.m., a United States Postal Service ("USPS") mail carrier was robbed in the vicinity of Monroe Steet and Moultrie Avenue in Yonkers, New York. According to the interview memorandum, two persons wearing ski masks approached the mail carrier while he was on his route on Monroe Street. One of the persons was wearing a dark jacket and had his right hand inside his jacket pocket, pointing

¹ Relay boxes are metal mailboxes stationed along a mail carrier's route and used to temporarily store mail that is ready for delivery. (Relay boxes are identical in shape to standard dark blue mailboxes but are different in color (olive green) and lack a slot into which the public can drop mail.) Mail carriers load relay boxes up with a large cache of mail earlier in the day, then return to the relay boxes as often as necessary later on to take out smaller batches of mail that they then deliver.

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what the mail carrier believed was a weapon. The other person was wearing gray clothing. The persons demanded that the mail carrier hand over his keys. The persons took the mail carrier's personal cell phone, scanner, and route keys, including an "arrow" key that can access several hundred relay boxes and multi-dwelling residences throughout the city of Yonkers, the village of Tuckahoe, and the village of Bronxville, New York; another arrow key that can access USPS collection boxes in Yonkers; and keys that can access buildings on the mail carrier's route.

The October 28, 2022 Mail Theft

7. Based on my review of USPIS reports and conversations with USPS Management, I have learned that on or about October 28, 2022, mail was reported stolen from a relay box located at or about the corner of Morris Crescent and Fairfield Road, in Yonkers, New York. Based on my review of security-camera footage, I have learned that on that day, at or about 11:52 a.m., a person who appears to be wearing a red jacket or sweatshirt is seen accessing and taking mail from the relay box located at or about the corner of Morris Crescent and Fairfield Road.

The October 29, 2022 Mail Theft

8. Based on my review of USPIS reports and conversations with USPS Management, I have learned that on or about October 29, 2022, mail was reported stolen from a relay box located at or about the corner of Elissa Lane and Concord Road, in Yonkers, New York. Specifically, based on information provided by USPS Yonkers management, I have learned that on that day, mail was delivered to the relay box located at or about the corner of Elissa Lane and Concord Road at or about 11:15 a.m. and mail was reported stolen from the same relay box at or about 4:30 p.m.

9. Based on my review of USPIS reports and conversations with USPS Management, I have learned that a Postal Inspector ("Postal Inspector-1") spoke with a resident who lives near the relay box located at or about the corner of Elissa Lane and Concord Road, in Yonkers, New York. The resident recalled seeing in October a white BMW with two individuals inside parked near the relay box. The resident recalled that the BMW had a New York license plate number that started with [REDACTED] and thought the last four digits were [REDACTED]. When the resident saw the BMW again a few days later, the resident was able to confirm that the last four digits were [REDACTED].

The November 4, 2022 Mail Thefts

10. Based on review of USPIS reports and my conversations with USPS Management, I have learned that on or about November 4, 2022, mail was reported stolen from a relay box located at or about the corner of Sunnyside Drive and Ashton Road, in Yonkers, New York. Based on my review of footage from a security camera, I have learned that on that day, at or about 12:38 p.m., a person who was wearing what appeared to be a red jacket or sweatshirt and a yellow hoodie accessed the relay box and took out mail, and then walked away from the relay box with a dark-colored bag that appeared to be filled.

11. Based on review of USPIS reports and my conversations with USPS Management, I have learned that at or about 2:35 p.m. on November 4, 2022, a Postal Inspector ("Postal Inspector-2") was canvassing the area of Holbrook Avenue in Yonkers, New York, and reported seeing the white BMW with license plates [REDACTED]. Postal Inspector-2 also saw a thin black man

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wearing a red jacket or sweatshirt get out of the driver's side of the BMW, pull a stack of envelopes from the jacket or sweatshirt, and put the envelopes into the trunk of the BMW.

12. Based on my conversations with other law enforcement and my review of records from a search of a New York State Department of Motor Vehicles ("DMV") database, I have learned that the license plate [REDACTED] was registered to JAVONE CROMWELL, the defendant. The database further indicates that the vehicle registered to the license plate [REDACTED] is a white 2007 BMW 328i with a Vehicle Identification Number ("VIN") of [REDACTED].

The January 2023 Mail Thefts

13. Based on my review of USPIS reports and conversations with other USPS Management, I have learned that on or about January 3, 2023, mail was reported stolen from at least four different relay boxes:

a. Specifically, based on information provided by a mail carrier who visited the relay box that day, I have learned that on or about January 3, 2023, mail was delivered to the relay box located at or about the corner of Ramsey Avenue and Jessamine Avenue, in Yonkers, New York, at or about 11:40 a.m., and based on information provided by the Yonkers Postmaster, the mail was reported stolen from the same relay box at or about 3:03 p.m.

b. Specifically, based on information provided by a mail carrier who visited the relay box that day, I have learned that on or about January 3, 2023, mail was delivered to the relay box located at or about the corner of Agar Street and Burhans Avenue, in Yonkers, New York, at or about 12:40 p.m. and mail was reported stolen from the same relay box at or about 3:00 p.m.

c. Specifically, based on information provided by the Yonkers Postmaster, I have learned that on or about January 3, 2023, mail was delivered to the relay box located at or about the corner of Dover Lane and Storey Lane, in Yonkers, New York, at or about 12:30 p.m., and mail was reported stolen from the same relay box at or about 4:30 p.m.

d. Specifically, based on information provided by the Yonkers Postmaster, I have learned that on or about January 3, 2023, mail was delivered to the relay box located at or about the corner of Stone Avenue and Fortfield Avenue, in Yonkers, New York, at or about 12:30 p.m., and based on information provided by a mail carrier who went to the relay box that day, mail was reported stolen from the same relay box at or about 4:30 p.m.

14. Based on my review of USPIS reports and conversations with USPS Management, I have learned that on or about January 9, 2023, mail was reported stolen from at least two different relay boxes:

a. Specifically, based on information provided by the Yonkers Postmaster, I have learned that on or about January 9, 2023, mail was delivered to the relay box located at or about the corner of Dover Lane and Storey Lane, in Yonkers, New York, at or about 1:20 p.m. and mail was reported stolen from the same relay box at or about 3:00 p.m.

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b. Specifically, based on information provided by the Yonkers Postmaster, I have learned that on or about January 9, 2023, mail was delivered to the relay box located at or about the corner of Stone Avenue and Fortfield Avenue, in Yonkers, New York, at or about 11:30 a.m. and mail was reported stolen from the same relay box at or about 4:20 p.m.

15. Based on my review of USPIS reports and conversations with USPS Management, I have learned that on or about January 17, 2023, mail was reported stolen from a relay box located at or about the corner of Dover Lane and Storey Lane, in Yonkers, New York. Specifically, based on information provided by Postal Inspector-2, I have learned that on that day, the mail was delivered to the relay box located at or about the corner of Dover Lane and Storey Lane at or about 1:30 p.m. and mail was reported stolen from the same relay box at or about 4:45 p.m.

16. Based on my review of USPIS reports and conversations with USPS Management, I have learned that on or about January 31, 2023, mail was reported stolen from a relay box located at or about the corner of Dover Lane and Storey Lane, in Yonkers, New York. Specifically, based on information provided by the Yonkers Postmaster, I have learned that on that day, the mail was delivered to the relay box located at or about the corner of Dover Lane and Storey Lane at or about 12:00 p.m. and mail was reported stolen from the same relay box at or about 3:20 p.m.

The January 29, 2023 Traffic Stop

17. Based my review of a police report and my discussions with other law enforcement, I have learned the following:

a. On or about January 29, 2023, at or about 6:49 p.m., New York Police Department (“NYPD”) Officers conducted a traffic stop, in or about the Bronx, New York, of a white 2007 BMW with heavily tinted windows, no front license plate, and a New Jersey license plate affixed to the back of the car. When NYPD ran the license plate, they discovered that the license plate was registered to a gray Honda, not the white BMW. Additionally, the white 2007 BMW’s VIN was [REDACTED].²

b. The driver of the BMW provided his driver’s license (which was suspended) to an NYPD officer, and the name of the individual arrested is listed on the police report as “Javone Cromwell.”

c. The physical appearance of the driver from the body cam footage matched the photograph of JAVONE CROMWELL, the defendant, from the DMV’s database.

d. Based on my discussions with an NYPD detective who has viewed the body cam footage, I have learned that there is body-camera footage from on or about January 29, 2023, that shows an NYPD police officer opening the trunk of the white BMW inside the 50th Precinct parking lot and discovering a large manilla envelope containing numerous mail items. This mail was eventually seized by the NYPD.

² The “Q” in the VIN that was recorded in the police report appears to be a typographical error, as the rest of the VIN as recorded in the police report matches the VIN on CROMWELL’s DMV registration.

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e. Based on my discussions with a USPS analyst who analyzed several pieces of the seized mail, I have learned that at least 13 pieces of mail were printed or stamped in or about December 2022. Furthermore, the addresses for 16 pieces of mail included, among others, addresses on Fortfield Avenue, Jessamine Avenue, Burhans Avenue, Stone Avenue, and Dover Lane, all locations near the relay boxes that were stolen from in January 2023 (*see supra* ¶¶ 13 - 16).

The November 15, 2023 Mail Theft and Arrest

18. Based on my review of law enforcement reports and my discussions with Yonkers Police Department (“YPD”) law enforcement officers (including the off-duty YPD Captain described below), I have learned the following:

a. On or about November 15, 2023, at or about 12:10 p.m., an off-duty YPD Captain was walking his dogs and saw a male who was wearing all black clothing and a black backpack access a USPS relay box located at or about the corner of Chittenden Avenue and Lindbergh Place, in Yonkers, New York; remove mail from the relay box; and put it in his black backpack. The YPD Captain used his cellphone to call the YPD dispatch and reported, in sum and substance, seeing an individual wearing all black with a black backpack accessing a USPS relay box. The YPD Captain then returned home, got his radio, and again relayed what he had observed over the radio.

b. Multiple law enforcement units responded to the scene, and upon arrival, a bystander pointed a YPD Officer (“Officer-1”) to a particular driveway and yelled “he ran down there.” Officer-1 saw a black male wearing black pants, a black hooded sweatshirt, a black bubble vest, and a black backpack. Officer-1 identified himself and gave several verbal commands for the individual to stop. The individual, later identified as JAVONE CROMWELL, the defendant, fled across multiple yards as Officer-1 pursued him. Officer-1 lost sight of CROMWELL temporarily, but then saw him again hiding in the side yard of another residence. Officer-1 gave CROMWELL verbal commands to show his hands, but he fled again. Eventually, Officer-1 was able to take CROMWELL down and, with the help of other YPD officers, place him under arrest. When CROMWELL was searched incident to arrest, what appeared to be a debit card that was not in CROMWELL’s name was found in his right jacket pocket.

c. The off-duty YPD Captain went to the location where CROMWELL was being detained and positively identified CROMWELL as the individual he had seen access the USPS relay box.

d. In the course of fleeing, CROMWELL dropped the black backpack. When law enforcement recovered the backpack, they discovered a set of arrow keys underneath the backpack. Law enforcement also searched the backpack and recovered mail that was not addressed to CROMWELL.

e. Based on my review of photographs taken of the arrow keys that were recovered, I have learned that the keys that were recovered match the keys that were stolen on or about October 25, 2022.

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WHEREFORE, I respectfully request that warrants be issued for the arrest of JAVONE CROMWELL, the defendant, and that he be imprisoned or bailed, as the case may be.



EDWARD GANNON
Postal Inspector
United States Postal Inspection Service

Sworn to before me this 16th day of November, 2023.



THE HONORABLE ANDREW E. KRAUSE
United States Magistrate Judge
Southern District of New York